

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 -----x
4 TATIANA HERDOCIA and ENA SCOTT,

5 Plaintiffs,

CERTIFIED COPY

6
7 -against-

Case No. CV 143196

8
9 SOUTHERN WINE & SPIRITS OF AMERICA, INC.

10 and WINE, LIQUOR & DISTILLERY WORKERS

11 UNION, LOCAL 1D,

12 Defendants.

13 -----x
14 DEPOSITION OF

15 TATIANA HERDOCIA

16 SYOSSET, NEW YORK

17 MAY 20, 2015

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21 ATKINSON-BAKER, INC.

22 COURT REPORTERS

23 (800) 288-3376

24 www.depo.com

25 REPORTED BY: RENATE REID, RPR

FILE NO. A904F6E

1 hi-lo operator hired in January of 2008 is
2 currently \$21.75?

3 A. I don't know.

4 Q. \$21.75 is less than you make; is that
5 right? 11:49

6 A. Yes.

7 Q. So when I asked you what would be
8 different if you were part of the warehouse, you
9 said you'd be paid more, you guess.

10 Do you remember that? 11:50

11 A. Yes.

12 Q. What leads you to believe that?

13 A. Our time; I've been there enough time.

14 Q. So you believe that you've been there
15 long enough that you should just get paid more? 11:50

16 A. No. I mean -- we should just be
17 warehouse. We should be classified as warehouse.

18 Q. And you also said that you think, if
19 you were part of the warehouse, there would be
20 some difference in overtime; is that right? 11:50

21 A. Yes.

22 Q. What would be the overtime difference?

23 A. We used to do it -- everything that the
24 warehouse guys did, until I filed my paperwork, we
25 filed paperwork with Jose; and then they were 11:51

A904F6F
ENA SCOTT MAY 12, 2015

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14 DEPOSITION OF

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16 SYOSSET, NEW YORK

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FILE NO. A904F6F

1 e-mail?

2 A. Yes.

3 Q. And what help did she provide?

4 A. We just sat together to type it up.

5 Q. Okay. Looking at that e-mail that 15:29
6 has -- that's from you, halfway down the page, it
7 says, "How is it not a necessity now, when we aren't
8 able to complete our tasks as a department?"

9 Do you see that?

10 A. Yes. 15:29

11 Q. What are you referring to as a
12 necessity?

13 A. I'm referring to them saying that it
14 goes by -- is it necessary or not for the person to
15 be working or not. And our question was more of the 15:30
16 fact that if we're not able to complete all of the
17 cycle counts and get them done, how is it not
18 necessary for us to come in and do some sort of
19 overtime, when now, more than ever, we're down a
20 staff member? Why would it be taken from us now, 15:30
21 when the rest of the warehouse is being granted
22 overtime? Like, it wouldn't be less necessary. It's
23 more necessary now than -- more than ever.

24 Q. It says, "We've been working overtime
25 since we were hired." 15:30